

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

Dustin Holderread,

Plaintiff,

V.

Ford Motor Credit Company, LLC,

Defendant.

Civil Action No.: 4:16-cv-00222

COMPLAINT

JURY

For this Complaint, Plaintiff, Dustin Holderread, by undersigned counsel, states as follows:

JURISDICTION

1. This action arises out of Defendant’s repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (the “TCPA”).

2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that Defendant transacts business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

3. Plaintiff, Dustin Holderread (“Plaintiff”), is an adult individual residing in Valley View, Texas, and is a “person” as defined by 47 U.S.C. § 153(39).

4. Defendant Ford Motor Credit Company, LLC (“Ford”), is a Michigan business entity with an address of One American Road, Dearborn, Michigan 48126, and is a “person” as defined by 47 U.S.C. § 153(39).

FACTS

5. Within the last year, Ford began calling Plaintiff's cellular telephone, number 817-xxx-5114, using an automatic telephone dialing system ("ATDS" or "predictive dialer") and/or using an artificial or prerecorded voice.

6. Plaintiff never provided his cellular telephone number to Ford and never provided consent to receive calls at that number.

7. When Plaintiff answered calls from Ford, he heard a prerecorded message. When Plaintiff did not answer the calls, Ford left prerecorded voicemail messages indicating that the calls were for "Gregory Blackerby". Plaintiff does not know this individual.

8. On at least one occasion, Plaintiff spoke with a live representative and requested that the calls cease.

9. Nevertheless, Ford continued to place automated calls to Plaintiff's cellular telephone number.

COUNT I
VIOLATIONS OF THE TCPA – 47 U.S.C. § 227, ET SEQ.

10. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

11. At all times mentioned herein, Defendant called Plaintiff's cellular telephone number using an ATDS or predictive dialer and/or using a prerecorded or artificial voice.

12. Defendant continued to place automated calls to Plaintiff's cellular telephone despite knowing that it lacked consent to do so. As such, each call placed to Plaintiff was made in knowing and/or willful violation of the TCPA, and subject to treble damages pursuant to 47 U.S.C. § 227(b)(3)(C).

13. The telephone number called by Defendant was assigned to a cellular telephone service pursuant to 47 U.S.C. § 227(b)(1).

14. The calls from Defendant to Plaintiff were not placed for “emergency purposes” as defined by 47 U.S.C. § 227(b)(1)(A)(i).

15. Plaintiff is entitled to an award of \$500.00 in statutory damages for each call placed in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

16. As a result of each call made in knowing and/or willful violation of the TCPA, Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant:

- A. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(3)(B);
- B. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C); and
- C. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: March 31, 2016

Respectfully submitted,

By /s/ Jenny DeFrancisco

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